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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUN 30 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Administration of the North)	CC Docket No. 92-237
American Numbering Plan)	
Carrier Identification Codes (CICs))	

TO: The Commission

REPLY COMMENTS

The Competitive Telecommunications Association ("CompTel") hereby submits these Reply Comments in response to the opposition submitted by U S West, Inc. ("U S West") regarding CompTel's Petition for Reconsideration ("Petition") of the *Second Report and Order* in the above-captioned proceeding.¹

It is noteworthy that U S West was the only commenting party to oppose CompTel's Petition. The majority of commenters supported CompTel's petition, recognizing that the drastic reduction in the timeframe within which carriers and the public are to prepare for the conversion from 3-digit to 4-digit carrier identification codes ("CICs") does not give long distance carriers a reasonable period of time to convert their equipment, to coordinate the conversion with incumbent local exchange carriers ("ILECs"), many of whom still have not made the conversion themselves, and to educate consumers about the change.

In its opposition, U S West does not offer any credible reason as to why the Commission should deny CompTel's Petition. First, U S West merely repeats portions of the Order that CompTel asked the Commission to reconsider without offering any additional empirical or

¹ *Second Report and Order*, CC Docket No. 92-237, FCC 97-125, rel. April 11, 1997, 62 Fed. Reg. 19056, Apr. 18, 1997 (hereinafter the "Order").

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analytical input. U S West states in its opposition that there was ample "*warning*" that an earlier conversion date was "*possible*" and that the *Request for Further Comments* promulgated by the Commission in this docket "indicated that the conversion schedule *might* be advanced."² However, mere warnings and possibilities are no substitute for a definitive ruling on the conversion timetable, and they certainly are no substitute for the adoption of final rules without which no conversion would be necessary. As CompTel explained in its Petition, "being aware of a future need to implement a conversion, or even having notice of the need to *begin* a transition at some point, is not the same as being put on notice that the conversion would need to be completed by a date certain."³ Giving carriers less than nine months from the date of such notice to coordinate efforts, convert their equipment, and educate consumers, places an onerous burden on long distance carriers and their customers. U S West has provided no evidence to the contrary.

Second, U S West takes issue with CompTel's assertion that many ILECs have not yet reprogrammed or upgraded their equipment in order to accept seven digit CACs, and argues that CompTel should provide "documented" evidence that specific offices cannot or will not be converted. However, as U S West knows well, only the ILECs themselves have comprehensive information on the precise extent to which they have not fully converted their own offices. In its Petition, CompTel provided sufficient illustrative evidence -- none of which U S West

² U S West Opposition at 3.

³ CompTel Petition at 2-3. *See also*, Comments of the Telecommunications Resellers Association, p. 5 (Notice about the need to upgrade systems "falls far short of demonstrating that those same entities were on notice that the Commission would radically depart from its long-enunciated policy goals. Up to and including April 11, 1997, the only notice parties had was that system upgrades would need to be completed by *some future time*.") (*emphasis added*).

contradicts -- to demonstrate that the problem is both significant and geographically widespread. CompTel's offering of examples in its Petition was illustrative.⁴ Rather, the burden is on U S West or any other ILEC who disagrees with CompTel's Petition to submit documented evidence on the record that no such problem exists. CompTel would note that U S West has provided no documentation regarding the extent to which it or other ILECs have converted their end offices. CompTel is confident that the FCC, upon inquiry, will readily ascertain that the failure of ILECs to convert all of their end offices is a widespread problem.⁵

Lastly, U S West argues that time remaining for the mandated conversion (now approximately six months) is sufficient for educating consumers with respect to the transition. U S West states that its customers typically receive from six to nine months' notice and education regarding Numbering Plan Area changes. What U S West fails to recognize is that consumer education regarding the CIC changes could take substantially longer. These changes are not as basic or simple as an area code change. For example, many consumers with automatic dialers may not even be aware that the change will affect them, or that their equipment will need to be reprogrammed. Therefore, it will take longer to educate consumers about the

⁴ See, e.g., Petition for Reconsideration of Telco Communications Group, Inc. at 4 ("Telco's meetings with independent local exchange carriers indicate that all LECs will not be in a position to reliably handle the new CACs by the end of this year."). See also, Comments of The Telecommunications Resellers Association at 5-6; Comments of Long Distance International at 2; Comments of WorldCom, Inc. at 2, 5-6.

⁵ The only way to be sure that all ILEC offices have been converted to accept 4-digit CICs, thereby protecting the consumer's ability to place long distance calls with the carrier of their choice, is to establish a two-step transition process. Under a two-step transition, LECs would be required to change their switches to accommodate permissive dialing on a specific date, followed by an interim period during which IXCs can educate consumers, and consumers can reprogram their dialers and PBXs. See Comments of WorldCom, Inc. at 3, 7-8; Comments of Telecommunications Resellers Association at 2, 8-9.

nature of the changes as well as the ways in which those changes will affect consumers.


In addition, the CIC changes have greater implications for competitive conditions in the long distance industry than area code changes. In particular, the failure of a consumer to dial the proper area code subsequent to an area code change does not have the same potential competitive repercussions as the dialing of an improper access code. While the consumer's carrier is not placed at a competitive disadvantage when the consumer fails to dial the proper area code, a long distance carrier whose customer cannot place a long distance call due to new CIC rules could be placed at a significant competitive disadvantage.⁶

CONCLUSION

For the foregoing reasons, the Commission should grant CompTel's Petition and extend the transition period for four digit CICs to January 1, 2001.

Respectfully submitted,

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⁶ See, e.g., Comments of Cable and Wireless at 4.

CERTIFICATE OF SERVICE

I, Marlene Borack, hereby certify that I have caused a copy of the foregoing "Reply Comments of the Competitive Telecommunications Association," to be served on this 30th day of June 1997, via first class mail, postage prepaid, upon the following:

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